

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

07-CR-6208L

ALBERT DONALD,

Defendant.

Prior to commencement of the trial, defendant and the Government consented to have the forfeiture counts, Counts VII and VIII, tried to the Court.

The parties should advise the Court, in writing, within fourteen (14) days of entry of this order, if they wish to submit any additional evidence as to the forfeiture matters. The Court will consider all the evidence submitted at the trial by both sides, but I will give the parties the opportunity to present additional, relevant material, if they wish to do so.

I believe the proper procedure, if the Court determines that the Government has established the right to forfeiture, by a preponderance of the evidence, is for me to enter a preliminary order of forfeiture pursuant to FED. R. CRIM. P. 32.2(b)(2).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
July 31, 2009.